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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,933	07/23/1999	AKIHIRO KOHNO	35.G2429	2145

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EXAMINER

LE, VU

ART UNIT PAPER NUMBER

2613

DATE MAILED: 09/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

M

Advisory Action

Application No.

09/358,933

Applicant(s)

KOHNO ET AL.

Examiner

Vu Le

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 September 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see Attachement to Advisory.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-30.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Vu Le
Primary Examiner
Art Unit 2613

Attachment to Advisory:

1. With regards to claim 23, the Office Action Summary Sheets of the Final Office Action (Paper #5), mailed July 16, 2002 and of the Non-final Office Action (Paper #3), mailed December 4, 2001 indicated that claim 23 was rejected. However, claim 23 was inadvertently left out in the rejection statement. Nevertheless, claim 23 is identical to claim 9 and would have been rejected for the same grounds as applied to claim 9 under Yonezawa in view of Yamaashi.
2. Priority documents have been received.

Response to remarks:

Applicant alleges Yonezawa fails to teach or suggest "notification means for acquiring and notifying a state of reception of the images by the reception means while the reception means is receiving images". Applicant further argues that even though Yonezawa teaches the "state" of the video camera returning resultant data e.g., panning/tilting and zooming to the monitoring terminal, such resultant data is not the same as the "state of reception" of images by the reception means (remarks, pp. 10-11). Examiner disagrees.

In Yonezawa (col. 3, line 58 to col. 4), video are being transmitted to the monitoring terminal (i.e., video reception terminal) by video cameras placed at remote locations. The video reception terminal serves to control these video cameras via a video transmission terminal. The video transmission terminal then transmits returned data to the video reception terminal to provide the "state" of the video camera. In effect, the state of receiving video from such video camera is being notified and displayed at

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the video reception terminal. Therefore, Yonezawa meets the claimed limitation of "notifying the state of reception of images".

Applicant alleges that Yamaashi "adds nothing" to the Yonezawa's teaching that would remedy the above-mentioned deficiencies (remarks, pp. 11-12). However, the only deficiency that applicant raises through the remarks is that Yonezawa fails to teach "notifying the state of reception of images" as claimed. Nothing else was enumerated in the remarks. However, it is clear from the preceding explanation that Yonezawa fully meets the claimed limitation at issue. With regards to the Yamaashi reference, Yamaashi was introduced to obviate the fact the state of reception may be information relating to the frame rate as claimed. Motivations to combine Yonezawa in view of Yamaashi were clearly articulated in the grounds of rejection. Therefore, prima facie case of obviousness has been established.